

PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY , FEBRUARY 13 , 1990

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE
COUNCIL CHAMBERS Tuesday EVENING February 13 , 1990 ,
IN Regular SESSION. PRESIDENT Charles B. Redd
IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND
Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE
FOLLOWING MEMBERS _____ VIZ:

BRADBURY <u>✓</u>	BURNS <u>✓</u>	EDMONDS <u>✓</u>
GIAQUINTA <u>✓</u>	HENRY <u>✓</u>	LONG <u>✓</u>
REDD <u>✓</u>	SCHMIDT <u>✓</u>	TALARICO <u>✓</u>

ABSENT: D. Schmidt

COUNCILMEMBER: _____

THE MINUTES OF THE LAST REGULAR January 23 , 1990 ,

_____ , 19 ,

SPECIAL _____ , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION,
APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on Tuesday 13th day of February, 19 90, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 15th day of February, 19 90.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

24 January 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one
(1) ordinance concerning the vacation of a portion of dedicated right-of-way.

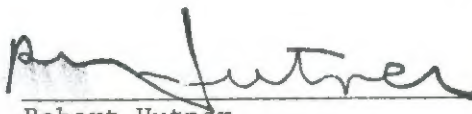
The proposed ordinance is designated as:

BILL NO. G-88-09-03

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
24th day of January 1990.


Robert Hutner
Secretary

FACT SHEET

G-88-09-03

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE****APPROVAL DEADLINE****REASON**

Street Vacation Ordinance

DETAILS**Specific Location and/or Address**

Portion of Pennsylvania Avenue just east
of Kitch Street.

Reason for Project

To connect two adjacent parcels that
belong to petitioner as a matter of
convenience.

Discussion (Including relationship to other Council actions)

19 September 1988 - Public Hearing

(See Attached Minutes of Meeting)

26 September 1988 - Business Meeting

Motion was made and seconded to return the
ordinance to the Common Council with a DO
PASS recommendation, subject to the petitioner
satisfying the following conditions:

- 1) provide utility easements as needed;
- 2) permanently close the right of way;
- 3) provide a 15 ft. landscape buffer area
against the residnetial properties to the
west.

Of the eight (8) members present six (6)
voted in favor of the motion, one (1) voted
against the motion and one (1) did not vote.
Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

Fort Wayne Vehicle Auction
City Department

Other

Opponents**Groups or Individuals**

Archie & Betty Lunsey

Basis of Opposition

petitioner is not a good
neighbor to residents, they
are opposed to petitioner
owning more land in area

**Staff
Recommendation**☒ For ☐ Against

Reason Against

**Board or
Commission
Recommendation****By**☒ For ☐ Against☐ No Action Taken

☐ For with revisions to conditions
(See Details column for condition

**CITY COUNCIL
ACTIONS
(For Council
use only)**☐ Pass ☐ Other☐ Pass (as
amended) ☐ Hold☐ Council Sub. ☐ Do not pass

DETAILS

NOTE: This ordinance has been held until all conditions were satisfied.

POLICY/ PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No <input type="checkbox"/> Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start

Date 23 August 1988

Projected Completion or Occupancy

Date

Fact Sheet Prepared by
Patricia Biancaniello

Date 27 September 1988

Reviewed by
Kamy Maghiora

Date 2-6-90

Reference or Case Number

- a. Bill No. G-88-09-03 - Vacation Petition #368
Portion of Pennsylvania Avenue just east of Kitch Street.

Paul Sauertieg, attorney for the petitioners Fort Wayne Vehicle Auction Inc., appeared before the Commission. Mr. Sauertieg stated that the purpose of their petition is to connect two adjacent parcels that belong to the petitioner. He stated that this is being done as a matter of convenience.

Archie Lunsey, 1548 Kitch Street, appeared in opposition to the proposed vacation. Mr. Lunsey stated that Fort Wayne Vehicle Auction purchased some houses on Kitch Street and rented them. He stated that they did not keep them up and eventually tore the houses down. He stated that Fort Wayne Vehicle Auction has not been a good neighbor and stated he felt they have been intimidating the residents with their actions. He stated that they do not want to see this company own anymore land in their neighborhood. He stated they are trying to hold on to their properties for residential use and maintain the integrity of their area.

John Shoaff pointed out that the requested vacation is well into the M-3 zoning and is surrounded by the petitioners property. He questioned if Mr. Lunsey saw anyway in which vacating the street would be harmful to the neighborhood.

Mr. Lunsey stated that he did. He stated that they want to use Kitch Street as a route to bring in their heavy duty trucks.

Mr. Shoaff stated he wasn't sure that in vacating the street that would be made easier for them.

Betty Lunsey, 1548 Kitch Street, reiterated her husbands complaints and added that she was concerned for the children in the area because of the truck traffic generated by Fort Wayne Vehicle Auction.

In rebuttal, Mr. Sauertieg stated that when his client purchased this business they decided that they did not want to be in the landlord-tenant business. He stated that is why the houses were demolished. He stated the problems the people spoke of were with the old owner and there should be no problems with the current owner. He stated that they are trying to become a good neighbor. He stated that the present cyclone fencing around the property will be opaqued and that they have started to turn Lot 60 on Kitch Street into a basketball court. He stated that he was not aware that this would be a neighborhood issue, but felt that the comments did not really affect the requested vacation.

Steve Smith questioned if the employees or clients of the company used Kitch Street as access to the property.

Mr. Sauertieg stated that there is no access. He stated it is an

open street presently but they do not use it for that purpose. He stated the customers come in off of Washington Blvd., and there are two separate entrances for them.

Steve Smith asked if they would be barricading the west end of the vacation.

Mr. Sauertieg stated he thought that was there intention.

There was no one else present who wished to speak in favor of or in opposition to the proposed vacation.

Paul O. Sauerteig, attorney for the petitioners, requests the vacation of a portion of Pennsylvania Street.

Location: Pennsylvania Street approximately 350 feet east of Kitch Street

Legal: See File

Land Area: Approximately 0.37 acres

Zoning: M-3 on both sides

Surroundings:	North	M-3	Industrial
	South	M-3	Industrial
	East	M-3	Industrial
	West	M-1/M-2	Industrial

Reason for Request: Not stated on petition

Neighborhood Assoc.: None

Comprehensive Plan: No Comment

Landscape: No Comment

Neighborhood Plan: No Comment

Planning Staff Discussion:

The petitioners state that this portion of the Pennsylvania Street right-of-way is not necessary to anyone else for ingress or egress reasons. The petitioners are owners of the parcels bordering both sides of the street, and the street is unopened and unimproved.

The petitioners have not requested that all of the right-way-of east of Kitch Street be vacated, simply because other property owners in the area would be then be impacted. (Pennsylvania Street east of Kitch serves as access to a Mobile Home Park). The portion of former right-of-way east of this location was vacated in 1980.

It would appear that it may be in the best interest of the City to grant this vacation, as the right-of-way does not appear to be necessary to future growth, nor convenience of public access. In fact, adding this ground to the tax rolls may be the best benefit that can be derived.

Recommendation: Conditional approval, contingent upon the petitioners providing utility easements as needed.

Site Committee Report - September 26, 1988

- 3) G-88-09-03
Vacation (Pennsylvania Ave)

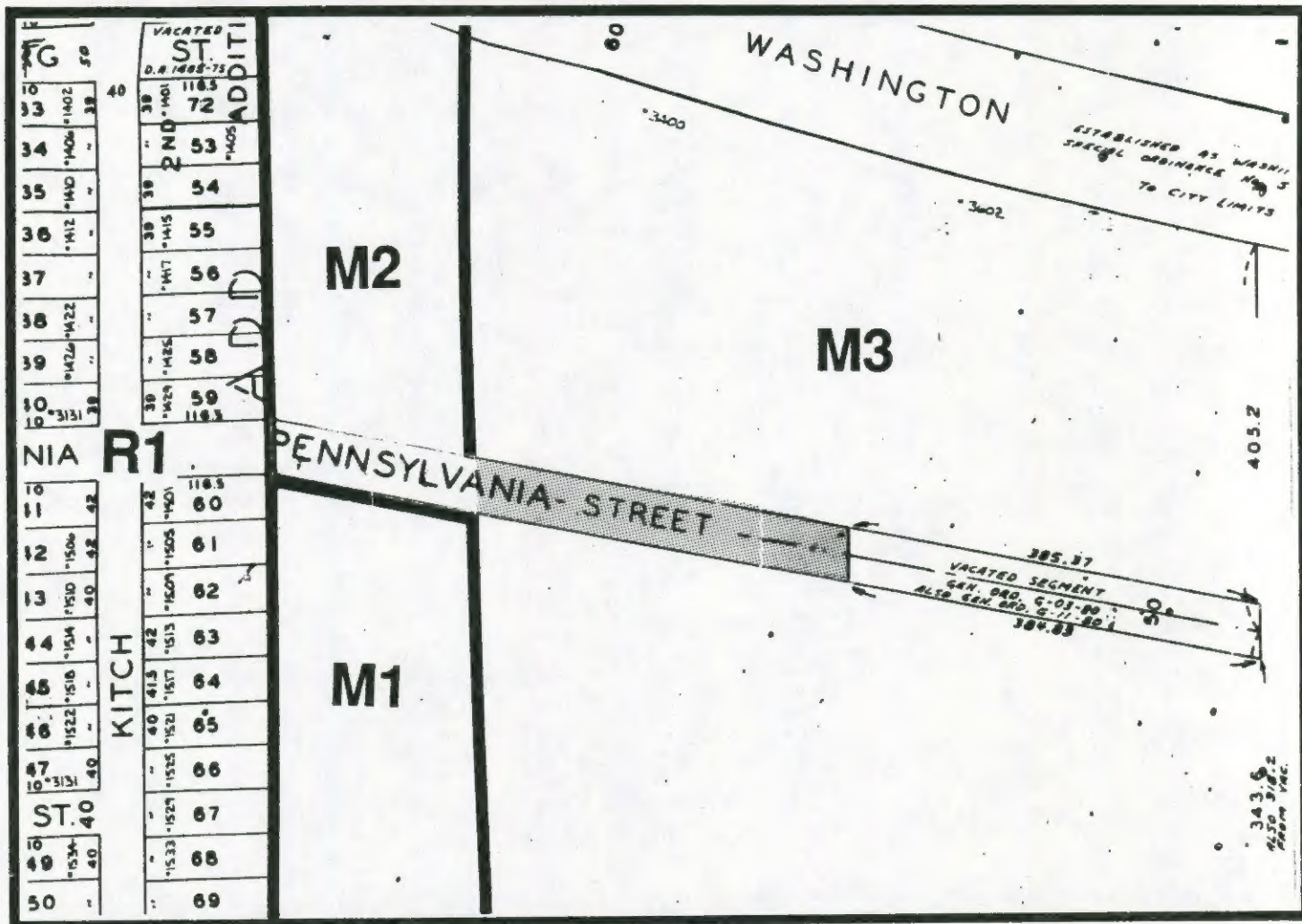
It is the recommendation of the Site Committee, and I so move, that this petition should be returned to Common Council with a recommendation of a "Conditional approval", contingent upon the petitioners providing utility easements as needed, permanently close the right of way, and provide a 15 foot landscape buffer area against residential properties to the west.

VACATION PETITION #368

A PETITION TO VACATE THE DESCRIBED PUBLIC STREET.

MAP NO. R-2

COUNCILMANIC DISTRICT NO. 1



ZONING :

R1 RESIDENTIAL DISTRICT

B3B GENERAL BUSINESS 'B'

M1 LIGHT INDUSTRY

M3 HEAVY INDUSTRY

LAND USE:

☐ SINGLE FAMILY☐ **COMMERCIAL**

SCALE: 1"=250'

DATE: 8-27-88



RESOLUTION 78-169-4

WHEREAS, FORT WAYNE VEHICLE AUCTION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way situated in Fort Wayne, Allen County, to-wit:

That portion of Pennsylvania Street extending west of the previously vacated Pennsylvania Avenue, included in General Ordinance G-03-80 and G-11-80, being:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit: Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 497.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line to the South property line of the Pennsylvania right of way, being the true point of beginning; thence east to the end of the existing right-of-way thence North on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township a distance of 50' to a point on the North right-of-way line on Pennsylvania Street, thence West to a point 497.5 feet East of the West line of said Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-4-512; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated right of way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated right of way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Charles E. Linton, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held January 31, 1990 and as same appears of record in the official records of the Board of Public Works.

RESOLUTION

WHEREAS, FORT WAYNE VEHICLE AUCTION has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated right of way in Fort Wayne, Allen County, to-wit:

That portion of Pennsylvania Street extending west of the previously vacated Pennsylvania Avenue, included in General Ordinance G-03-80 and G-11-80, being:

Part of the Northwest Quarter of Section 8, Township 30 North, Range 13 East, Allen County, Indiana, in particular described as follows, to-wit: Commencing on the North line of the right-of-way of the Wabash Railroad at a point situated 497.5 feet East of the West line of said Quarter Section; thence North and parallel to said Quarter Section line to the South property line of the Pennsylvania right of way, being the true point of beginning; thence east to the end of the existing right-of-way thence North on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township a distance of 50' to a point on the North right-of-way line on Pennsylvania Street, thence West to a point 497.5 feet East of the West line of said Quarter Section thence South on a line parallel to the West line of the Northwest Quarter of Section 8, Township 30 North, Range 13 East of Adams Township, a distance of 50' to the point of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on September 19, 1988 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated right of way.

WHEREAS, said vacation of dedicated right of way has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated right of way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated right of way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated right of way in Allen County, Indiana.



THE CITY OF FORT WAYNE

31 January 1990

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
CityCounty Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

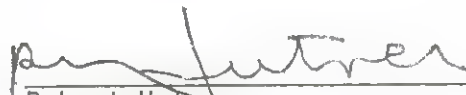
Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-06-80, amending Chapter 33 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-89-12-16

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
31st day of January 1990.


Robert Huthner
Secretary

FACT SHEET

Z-89-12-16

BILL NUMBER

**Division of Community
Development & Planning****BRIEF TITLE**

Zoning Ordinance Amendment

APPROVAL DEADLINE**REASON**

From R-2 to R-3

DETAILS**Specific Location and/or Address**

2431 & 2435 Winter Street

Reason for Project

Expansion of VFW Post #8147

Discussion (Including relationship to other Council actions)December 18, 1989 - Public Hearing

Minutes of hearing are attached.

January 22, 1990 - Public Hearing

Minutes of hearing are attached.

January 29, 1990 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion carried.

POSITIONS**RECOMMENDATIONS****Sponsor**

City Plan Commission

Area Affected

City Wide

Other Areas

**Applicants/
Proponents****Applicant(s)**

VFW Post #8147
City Department

Other

Opponents**Groups or Individuals**

Wm Hughes/2609 Reed St
Amelia Culpha/2508 Lillie St

Basis of Opposition

-expansion of Post would add to deterioration in area
-expansion is not in keeping with residential character of area

Staff Recommendation

☐ For ☒ Against

Reason Against

-could lead to further deterioration of housing stock in area

Board or Commission Recommendation**By**

☐ For ☒ Against
☐ No Action Taken

☐ For with revisions to conditions
(See Details column for conditions)

**CITY COUNCIL
ACTIONS
(For Council
use only)**

☐ Pass ☐ Other
☐ Pass (as amended) ☐ Hold
☐ Council Sub. ☐ Do not pass

DETAILS

POLICY/PROGRAM IMPACT

Policy or
Program
Change

☐ No

☐ Yes

Operational
Impact
Assessment

(This space for further discussion)

Project Start

Date 9 November 1989

Projected Completion or Occupancy

Date 31 January 1990

Fact Sheet Prepared by

Date 31 January 1990

Patricia Biancaniello

Reviewed by

Date 1-31-90

Larry Magliozzi

Reference or Case Number

- b. Bill No. Z-89-12-16 - Change of Zone #409
From R-2 to R-3
2431 & 2435 Winter Street

Tom Swihart, attorney for the petitioners appeared before the Commission. Mr. Swihart requested that the Commission defer this request to the January 22, 1990 Public Hearing. Mr. Swihart stated that they had just received the staff comments on Friday and did not feel that they had adequate time to respond to a negative recommendation. He stated they were not aware that they would have opposition to this request and did not come prepared to address the opposition.

A motion was made to defer the request, but following discussion and the fact that a number of people were present to speak in opposition to the request the Commission withdrew its motion and instead decided to hear the petitioner and opposition, but to continue the public hearing on January 22, 1990. They felt this would give the petitioner time to prepare more information.

Tom Swihart, stated that the basis for the petition is a request to basically revamp and improve the present facility on this property. He stated that they own the two lots immediately north of their existing post. He stated that this post has been there approximately 20 years, it is not in the best condition and they would like to in effect upgrade the neighborhood by putting in a new building. He stated that the plan is to put a new building on the two lots to the north and then tear down the old one. He stated that in their opinion, since they are there it would be expensive to purchase new land and to construct a new facility. He stated that they cannot really afford to both move and build. He stated that he was out and looked around the neighborhood and stated he felt that the area is in a state of deterioration and that this new construction would only enhance the area.

Bob Hutner stated that he hoped that when they come back for the continuance they would have new information or some other arrangement that would come from meetings with the neighborhood association, rather than repeating the same information. He stated that he felt the opponents should have just a couple people speak and reserve some of their ammunition for the next meeting.

Mel Smith questioned if they had a rendering of the building they are proposing.

Mr. Swihart stated it will be presented at the next meeting.

Alphonso Hines, Chairman of the Trustee Board of the Veterans of Foreign Wars appeared before the Commission. Mr. Hines stated that they are working on a 1/4 of million dollar plan for construction. He stated that they have also contacted I&M for better lighting for the area. He stated that they are talking about hiring security for the weekends. He stated that they

intend to blacktop the parking areas as well as screen them and landscape the area. He stated that RW Kain is drawing up the plans for the new building.

William Hughes, 2609 Reed Street, appeared before the Commission in opposition. Mr. Hughes stated that he has lived in this area since 1967. He presented the Commission with a petition with approximately 35 signatures of area residents that read: "We the residents and/or homeowners in the area of the proposed new building site for the Veterans of Foreign Wars at 2435 Winter Street do hereby object to this project for the following reasons:

- (1) The area is a residential area.
- (2) There is a park less than 150 feet (from) the building site.
- (3) The traffic on Winter Street is too heavy. Cars are parked in the No Parking area, on sidewalks, and cars block the alley west of present building.
- (4) Patrons of the VFW, especially during warm weather, are outside of the building drinking and making a lot of noise keeping residents awake into the early hours of the morning.
- (5) This new building with its negative affects will further devalue the homes in the area.

We appeal to the Zoning Commission to deny the request to build or make any expansions of said property."

Steve Smith if the VFW Post is not granted the change and they basically make no change to the building the disturbing situation that was described will remain the same. He questioned if improving would not be the better of two evils.

Mr. Hughes stated he did not think so. He stated that if things continue the way they are they intend to make an appeal to the Alcoholic Beverage Commission to repeal their license. He stated even though they build a new post it will be larger and bring more people, more noise and more traffic.

Amelia Culpha, 2508 Lillie reiterated what Mr. Hughes had stated about the traffic, noise and drinking. She stated that she lives just east of the VFW at this time. She stated that they (VFW) have tried to put in parking without being properly zoned and without permits. She stated that they do not require people who use their facility to be a member. She stated that she has seen what she felt was minors going into the building. She stated also that this establishment has been the direct cause of fights, shootings and killings in the neighborhood from people who have been drinking at the VFW Post. She stated she felt this use was a detriment to the area.

John Shoaff suggested that since this hearing was being continued to the January 22, 1990 Public Hearing that if the people in opposition would hold the remainder of their comments until the next hearing and if Mr. Swihart would care to hold his rebuttal until the next hearing that it would be a fair trade off and they would stop taking testimony this evening.

- a. Bill No. Z-89-12-16 - Change of Zone #409
From R-2 to R-3
2431 & 2435 Winter Street
**This petition was continued from the December 18, 1989
public hearing.**

Tom Swihart, attorney for the petitioners appeared before the Commission. Mr. Swihart stated this was continued in order to give the petitioners an opportunity to respond to some of the criticism that some of the residents had given. He presented the Commission with a rendering of the project. He stated that this may not be an easy rezoning to approve. He stated he had looked over the Hanna-Creighton Proposals from years back and what struck him was that these proposals seem to say that they want to preserve as much of the southwest portion of this area as single family residential. He stated that after reading this plan from 1978 and having been in the neighborhood to look around, he felt the proposal is not really going the way they planned it should in 1978. It appeared to him that the area is still going downhill. He stated that this VFW Post has been in the neighborhood for 20 years. He stated that they do not want to move, that they are trying to improve their position in the neighborhood by upgrading their facility substantially. He stated that to do this they need more space. He presented the Commission with a map marked with all of the vacant and abandoned properties. He stated that a great deal of the area is industrial and another large portion is already zoned R-3. He stated that the principal portion that is R-1 is basically around where the VFW Post is located. He stated he is not stating these facts to criticize the neighborhood but to point out that the plan from 1978, while good in theory, has not worked. He stated with that in mind the VFW Post is there, and have been there for 20 years and want to put something back into the neighborhood. He stated they would like to improve their property by expanding into a new facility, but they cannot do it on the property they have, they need the additional lots rezoned. He stated that they have put in excess of \$100,000 into their property. He stated that with regard to the criticism relating to the traffic on Winter Street, that Winter Street is a natural dumping spot for anyone coming down the 4-lane Wallace Street, and going over to Pontiac and Oxford. He stated that he did not feel that they were contributing to the traffic flow on Winter Street. He stated that if they get the rezoning and can construct a better facility, it will also free some lots for parking. He stated that he has been to the facility in the evening and he did not observe that many vehicles parked on the street. He stated if they do not get the rezoning they will be unable to improve this area. He stated that they have spoken with I&M to put in some additional lighting. He stated that they believe that this would definitely be an improvement to the area.

Wil Smith questioned if the \$100,000 investment mentioned was recent.

Mr. Swihart stated that he has been informed that is what has been put into the facility already along with the cost of the purchase of 3 or 4 lots recently.

Alfonso Hines, Chairman of the Trustee Board of the Veterans of Foreign Wars stated that they have recently spent \$14,000 in purchasing lots and razing the structures on them and clearing the lots. He stated they are trying with a long range program to eliminate parking on the streets. He stated that since they purchased the building it has been renovated about 4 times. He stated they have also added a \$40,000 addition.

Mel Smith questioned if the VFW belonged to the neighborhood association.

Mr. Hines stated that they have a member who belongs to the neighborhood association. Mr. Hines stated that they sponsor Little League, they donate money to the Y in the area, they also sponsor the Midget Football team. He stated they put on dinners for the homeless, and contribute Christmas baskets to the needy.

David Long questioned if they were knocking down houses to make room for parking on this precise area or is that the existing facility.

Mr. Hines stated that the two lots north of the existing building have been purchased and they are cleared of any structures. This is where they intend to place the new building if rezoned. He stated that if they get the rezoning they will remain in the existing building until the new one is complete and then they would tear it down and this area would become parking.

Mel Smith questioned if they will have ample parking to allow for all of their members to park off of the street.

Mr. Hines stated they do not presently have enough parking. He stated that if they get the rezoning they will have enough parking.

The following people spoke in opposition:

Mrs. Leon McGhee, 2343 Winter Street
William Hughes, 2609 Reed Street
Amelia Culpha, 2508 Lillie Street
Armando Ramos, 2508 Lillie Street

The complaints were those that were stated at the December 18, 1989 public hearing.

- traffic on Winter Street is heavy, this VFW post adds to it considerably
- the patrons of the club park on both sides of Winter Street and on peoples lawns

- they drive recklessly and have hit cars and caused accidents
- the patrons are loud and noisy well into the early morning hours keeping residents awake and this activity goes on nightly
- they have to call the police continually due to the fights and trouble caused by patrons drinking
- the patrons throw their litter into yards as they are leaving the facility
- they did not feel that this neighborhood "tavern" would in any way enhance the neighborhood as the petitioner stated it would
- they stated they are trying to clean up their neighborhood and this is not an asset

Mr. Hughes presented the Commission with a petition signed by area residents in opposition to the proposed rezoning.

In rebuttal Mr. Swihart stated that it has been insinuated that alcohol is the evil and he stated that is not the issue. He stated that the reality is that the neighborhood is just changing. It is not coming back, and they (VFW Post) are trying to make the best of the situation. He stated that what he is hearing is that the government is not doing what it is supposed to, and that is why the neighborhood is deteriorating. He presented the Commission with pictures of the area. He stated that from Lahmeyer Street south to Lahmeyer Street there is nothing else happening. He stated that Amelia Culpha is the only person living on the west side of Winter Street. He stated this area is changing and not getting much better. He stated he did not feel that the VFW Post is responsible for the general decline of the single family housing in the neighborhood. He stated that the parking problem should be relieved once the new building is complete and the new parking is put in. He stated that he felt that the new parking would probably park all of the cars that the residents are complaining about.

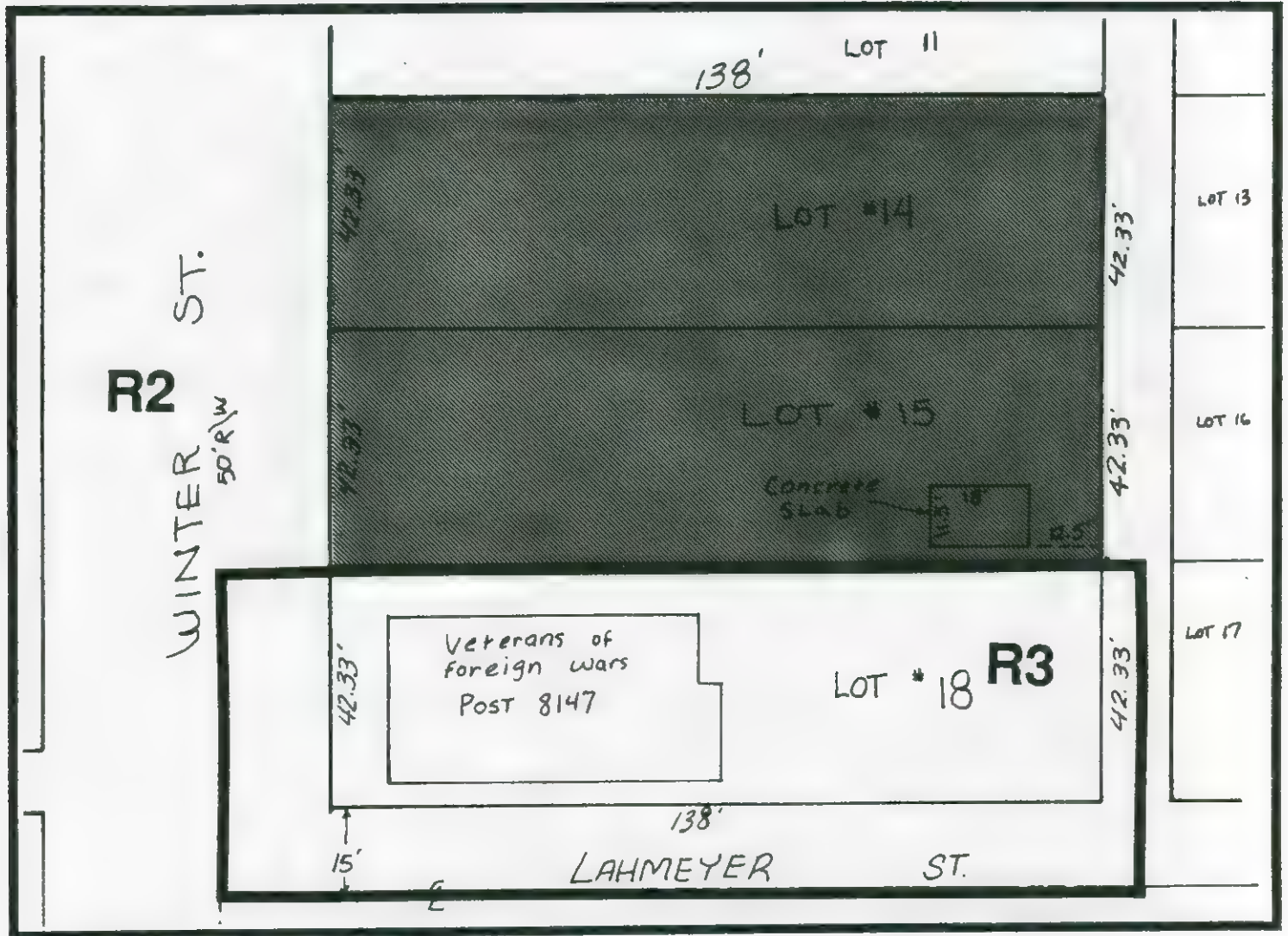
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

REZONING PETITION #409

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING THE DESCRIBED PROPERTY FROM A R2 DISTRICT TO A R3 DISTRICT.

MAP NO. O-3

COUNCILMANIC DISTRICT NO. 1



ZONING:

R2 RESIDENTIAL DISTRICT

R3 RESIDENTIAL DISTRICT

LAND USE:

☐ RECREATIONAL

☐ SINGLE FAMILY

SCALE: 1"=30'

DATE: 11-28-89

12

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on December 12, 1989 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-89-12-16; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on December 18, 1989 and January 22, 1990.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will be injurious to the public health, safety, morals and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;
- (3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;
- (5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held January 29, 1990.

Certified and signed this
31st day of January 1990.



Robert Hutner
Secretary

Thomas A. Swihart, attorney for the VFW Post 8147, requests a change of zone from R-2 to R-3.

Location: 2431 & 2435 Winter Street
Legal: Lots 14 & 15 Lahmeyer's Addition
Land Area: Approximately 0.26 Acres
Zoning: R-2
Surroundings: North R-2 Residential
South R-2 Residential
East R-2 Residential
West R-2 Residential

Reason for Request: Apparent expansion of the VFW facility.

Neighborhood Assoc.: Hanna Creighton Association

Comprehensive Plan: The General Land Use Policies of the Comprehensive Plan state that rezoning and development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed. The three main goals in the Central Area, where this request is located, are: 1) to maintain existing development; 2) to halt deterioration and, 3) to encourage reinvestment. While the proposal meets several goals of the Comprehensive Plan, expansion of this use lacks compatibility with the general residential character of the area.

Neighborhood Plan: The location described in the petition falls within the area of the Hanna Creighton Neighborhood Plan. The plan calls for maintaining the low-density character of the residential areas south of Creighton Avenue. The plan, however, also states that one of its "most important underlying themes...is the emphasis placed on improving the neighborhood image."

Furthermore, there is concern that the large number of vacant lots be used rationally in support of residential, commercial, or industrial uses.

Based on these policies of the plan, staff believes that the VFW investment in the neighborhood should be supported.

Landscaping:

Any parking areas constructed on site should meet all Z-10 requirements.

Planning Staff Discussion:

The predominate uses in this area are residential, with some industrial zoning located at the intersection of Pontiac Street. The neighborhood is home to the VFW Post, and the old Hanna Creighton Neighborhood Associations Nutrition Center. The current site of the VFW Post is the only R-3 designation in the immediate vicinity.

As the Comprehensive Plan indicates, the goals in this area are to encourage re-investment in the existing housing stock, and to halt potential deterioration. While the existing VFW facility may serve area residents, allowing its expansion at the current site would appear to be against the intent of the overall plan for the area. We recognize that the rebuilding of this private facility on these vacant lots would in some ways address the concern for re-investment, but we believe that the focus of concern should be in the housing stock, and preservation of the residential neighborhood.

We would also suggest that there may be other parcels in the surrounding area that already have the correct zoning designation, and that maybe the VFW Post should seek a relocation instead of an expansion at this site.

The VFW could choose to stay at their current site, and seek a variance to allow parking on these two lots. Such a petition would be well received by staff, and would address neighborhood concerns that have been shared with our office.

Recommendation: Do Not Pass, for the following reasons:

- 1) Approval could lead to further deterioration of housing stock in the immediate area.
- 2) Approval would allow an expansion of a quasi-commercial use, which could lessen the appeal of the existing residential nature of the area.

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers:

9/90/E and 10/90/E

For the purpose of enforcement, please make this
communication and the attached Regulatory Resolutions a
matter of record and incorporate them into the minutes of the
next Common Council Meeting.

Respectfully Submitted,


Chairman, Board of Safety

R E T U R N C E R T I F I C A T E

Regulatory Resolution No. 9/90/E and 10/90/E

I hereby certify that I did this 25th day of January, 1990 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. SEE ABOVE of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

A handwritten signature in dark ink, appearing to read "Michael McAuliffe", written over a horizontal line.

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 9/90/E

(Adopted January 24, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to

THRU STREET (EMERGENCY)

; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 17, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

January 24, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

THRU STREET (EMERGENCY)

Merchant Road

from Goshen Road to Huguenard Road except at Goshen Road and Huguenard Road

REGULATORY RESOLUTION NO. 10/90/E

(Adopted January 24, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 19, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

January 24, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (COMMERCIAL) (EMERGENCY)

Glenbrook Commons	(26 stalls total)
4201 Coldwater Road	See attached map

Glenbrook Square	Adding 6 stalls
4201 Coldwater Road	(42 stalls total)
	See attached map

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Attached herewith are authenticated copies of the Board of
Public Safety Regulatory Resolution Numbers:

11/90/E and 12/90/E

For the purpose of enforcement, please make this
communication and the attached Regulatory Resolutions a
matter of record and incorporate them into the minutes of the
next Common Council Meeting.

Respectfully Submitted,

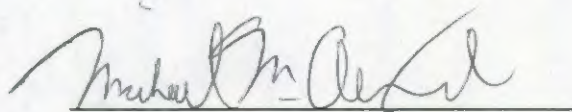


Chairman, Board of Safety

R E T U R N C E R T I F I C A T E

Regulatory Resolution No. 11/90/E and 12/90/E

I hereby certify that I did this 2nd day of February, 1990 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. SEE ABOVE of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, 1986.

A handwritten signature in dark ink, appearing to read "Michael McAlister", is written over a horizontal line.

CHAIRMAN, Board of Safety

REGULATORY RESOLUTION NO. 11/90/E

(Adopted January 31, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

_____ i and

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 25, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

January 31, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

808 W. Packard Avenue --north side-- from 205' east of
Indiana Avenue to 20'
east thereof

REGULATORY RESOLUTION NO. 12/90/E

(Adopted January 31, 1990)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 17-4 of said chapter delegates to this Board authority to _____

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

_____; and

WHEREAS, the City Traffic Engineer has, by written memorandum dated January 26, 1990, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1986, it is hereby ordered, effective

January 31, 1990, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

IMPAIRED MOBILITY PARKING (RESIDENTIAL) (EMERGENCY)

1216 Marion Street --east side-- from 75' south of Second Street to 20' south thereof

A RESOLUTION OF THE COMMON
COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA HONORING THE
MEMORY OF FORT WAYNE POSTMASTER
EUGENE GABRIEL.

WHEREAS, Eugene Gabriel was the postmaster for 67 post offices in nine counties, including the main and branch offices in Fort Wayne since June, 1965; and

WHEREAS, Eugene Gabriel has served as Fort Wayne City Clerk, managed the Fort Wayne License Bureau and was 4th District commissioner of the Indiana War Memorials Coliseum; and

WHEREAS, Eugene Gabriel was honored as the first postmaster in the United States to serve on the Postal Life Advisory Board; and

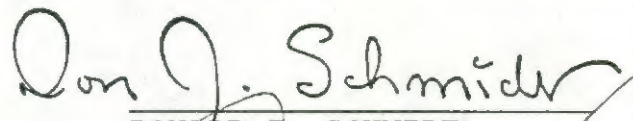
WHEREAS, Eugene Gabriel was further honored with the Postmaster General's Award for Executive Achievement in 1984, and the Postmaster General's Partner's for Progress Award in 1985; and

WHEREAS, Eugene Gabriel received the honor of Sagamore of the Wabash by Governor Roger Branigan; and

WHEREAS, Eugene Gabriel was the epitome of a public servant and civic leader.

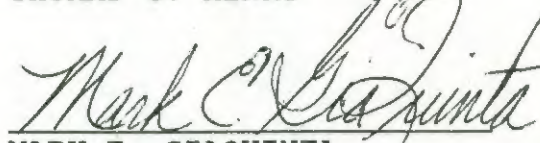
NOW, THEREFORE, BE IT RESOLVED THAT THE COMMON COUNCIL OF THE CITY FORT WAYNE, INDIANA HONORS THE MEMORY OF FORT WAYNE POSTMASTER EUGENE GABRIEL AND EXPRESSES ITS DEEPEST SORROW AT HIS PASSING.

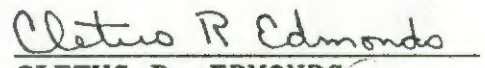

CHARLES B. REDD, PRESIDENT

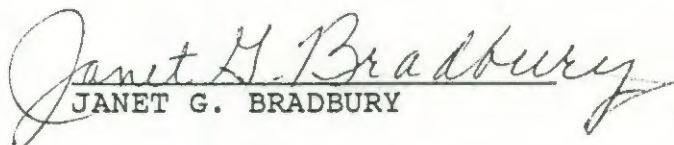

DONALD J. SCHMIDT

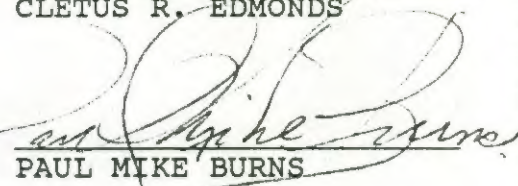

THOMAS C. HENRY


DAVID C. LONG


MARK E. GIAQUINTA


CLETUS R. EDMONDS


JANET G. BRADBURY


PAUL MIKE BURNS


SAMUEL J. TALARICO

